



Promoting the wise use of land  
Helping build great communities

**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**SUBDIVISION REVIEW BOARD**

MEETING DATE August 3, 2020	CONTACT/PHONE Katie Nall kinall@co.slo.ca.us 805-781-5702	APPLICANT Steve and Julie Souza	FILE NO. CO 18-0072 SUB2019-00019
<b>SUBJECT</b> Hearing to consider a request by <b>Steve and Julie Souza</b> for a Tentative Parcel Map to allow for the subdivision (SUB2019-00019 / CO 18-0072) of a 469.74-acre parcel into two (2) parcels of 17.67 acres and 452.07 acres for the purpose of sale and/or development. The project will result in the disturbance of approximately 0.35-acres of the 469.74-acre site. There are currently three land use designations for the site: Agriculture, Rural Lands, and Residential Rural. Proposed Parcel 1 would contain 17.67 acres zoned Residential Rural. The proposed Remainder Parcel would contain approximately 300 acres zoned Agriculture and approximately 152 acres zoned Rural Lands. The project proposes a new development "building" envelope of approximately 0.35-acres on Parcel 1. The subdivision is required to make roadway improvements in the right-of-way along Tassajara Creek Road, and will be required to construct the private access road to Cal Fire Standards with additional easement width as necessary to contain all elements of the roadway prism. The proposed project is located at 8475 Tassajara Creek Road, approximately 1 mile west of the intersection between Tassajara Creek Road and Highway 101. The site is approximately 2 miles west of the community of Santa Margarita and is within the Salinas River Sub Area of the North County Planning Area.			
<b>RECOMMENDED ACTION</b> 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Tentative Parcel Map CO 18-0072 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on June 24, 2020 for this project. Mitigation measures are proposed to address Biological Resources and are included as conditions of approval.			
LAND USE CATEGORY Agriculture, Rural Lands, & Residential Rural	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 070-093-018	SUPERVISOR DISTRICT(S) 5
<b>PLANNING AREA STANDARDS:</b> Section 22.94.080 - Salinas River Sub-Area Standards.			
<b>LAND USE ORDINANCE STANDARDS:</b> Section 22.10.140 – Setbacks Section 22.22.040 – Subdivision Design Standards for Agriculture Section 22.22.050 & 060 - Subdivision Design Standards for Residential Rural and Rural Lands Section 22.54.020 - Site Access and Driveway Requirements			
<b>EXISTING USES:</b> Undeveloped, existing dirt roads			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> North: Open Space & Rural Lands/Oak trees, chaparral, grazing      East: Agriculture/residential & grazing South: Residential Rural/residences      West: Open Space & Residential Rural / grazing, residences			

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Santa Margarita Area Advisory Council, County Fire / Cal Fire, Environmental Health, HEAL SLO, Public Works, Stormwater PG&E, SoCal Gas, AT&T, Charter Cable3 TV, Atascadero School District, CA Fish and Wildlife, & U.S. Forest Service	
TOPOGRAPHY: Gently sloping to steeply sloping	VEGETATION: Annual grassland, oak woodland, chaparral, and riparian woodland
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: County Fire / Cal Fire	ACCEPTANCE DATE: January 30, 2020

#### PROJECT DESCRIPTION:

The applicants, Steve and Julie Souza, are requesting approval of a Tentative Parcel Map (SUB2019-00019/CO18-0072) to subdivide an existing 469.74-acre parcel into one parcel of 17.67 acres and a Remainder Parcel of 452.07 acres for the purpose of sale and/or development. Proposed Parcel 1 would contain 17.67 acres zoned Residential Rural. The proposed Remainder Parcel would contain approximately 300 acres zoned Agriculture and approximately 152 acres zoned Rural Lands. A designated “building envelope” limiting development to 0.35 of an acre on Parcel 1 is also proposed.

Under Section 66424.6. of the Government Code (State Subdivision Map Act) Remainder Parcels are essentially exclusion areas and not subject to the same review criteria as parcels proposed for sale and development immediately after recordation of the final / parcel map. Remainder Parcels are subject to further review and payment of associated fees upon application for building permits. A certificate of compliance may be required by the local jurisdiction prior to sale of the Remainder Parcel.

#### CEQA COMPLIANCE:

A Mitigated Negative Declaration (MND) has been prepared for this project which concludes that the project could result in potentially significant impacts in the following topical areas.

**Biological Resources.** Mitigation measures have been proposed to address these potential impacts and their implementation would reduce impacts to less than significant levels. Although no special status plant or animal species were documented during the field surveys, suitable habitats were present. Mitigation measures are proposed to address potential impacts to biological resources including pre-construction surveys, best management practices, and avoidance measures on the proposed parcels. Incorporation of these measures will reduce impacts to a level of insignificance.

#### ORDINANCE COMPLIANCE:

**Section 22.10.140 – Setbacks.** Based on the future development type and surrounding area, the required front setback is a minimum of 25 feet, 30 feet on both sides, and 30 feet in the rear.

*Staff Comments: The proposed building envelope has a front setback of 90 feet, side setbacks of greater than 400 feet and a rear setback of greater than 500 feet and therefore complies with the standards.*

**Section 22.22.040 - Minimum Parcel Size for Agriculture.** Section 22.22.040 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Agriculture land use category. The standards are based on the type of agricultural use of the land, including irrigated crops (20-40 acres), irrigated pasture (40-80 acres), dry farming (160 acres), and grazing (320 acres). As a grazing land parcel 320 acres would be needed to qualify. The Remainder Parcel's 300 acres is not large enough to qualify as a separate parcel zoned "Agriculture". The Remainder Parcel's 300 acres under Agriculture combined with the 152 acres under Rural Lands includes a total of 452 acres which exceeds the maximum parcel size in the Agriculture land use category of 320 acres.

**Section 22.22.050 - Minimum Parcel Size for Rural Lands.** Section 22.22.050 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Rural Lands land use category. The standards are based on the distance from an urban area, fire response time, type of access serving the property and the topography of the site. Minimum parcel size for the portion of the Remainder Parcel with the Rural Lands designation has not been determined because division along the Rural Lands and Agriculture land use categories is not part of this proposal. However, the 152 acres under Rural Lands and the 300 acres under Agriculture combined at 452 acres exceeds the maximum parcel size in the Rural Lands land use category of 320 acres.

*Staff Comments: The existing configuration of the single parcel includes the land use designation from three land use categories, Agriculture, Rural Lands, and Residential Rural. Currently, approximately 300 acres of the parcel is located within the Agriculture land use category. The project proposes to separate the Residential Rural designated portion of the property as a separate parcel, leaving the rest as a Remainder Parcel. Therefore, the subdivision creates a Remainder Parcel of approximately 452 acres, including Agriculture and Rural Lands zoning and does not decrease the size of the portion of the parcel zoned Agriculture. Although the portion of the Remainder Parcel under the Agriculture Land Use category does not comply with 320 acre minimum parcel size that would otherwise be required for a grazing land parcel, this portion of the property is included with the 152 acres designated as Rural Lands as a Remainder Parcel. Under the Subdivision Map Act a Remainder Parcel is set aside from the portion being subdivided. The 320-acre minimum parcel size does not come into play in this situation because the portion of the property with the Agriculture designation is not being subdivided. Therefore, the project complies with the standard.*

**Section 22.22.060 - Minimum Parcel Size for Residential Rural.** Section 22.22.060 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Rural land use category. The standards are based on the distance from an urban area, fire response time, type of access serving the property and the topography of the site. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcel meets all requirements for 7-acre parcels as follows:

TEST	STANDARD	MINIMUM PARCEL SIZE
Remoteness	3 miles from the <i>Santa Margarita</i> urban reserve line	5 acres
Fire Hazard/ Response Time	<i>Within</i> the 15-minute response time In the <i>very high</i> fire hazard area	5 acres
Access	Located on a 30-foot right-of-way	5 acres
Slope	Average slope is between 10 and 30 %	7 acres

*Staff Comments: At 17.67 acres, proposed Parcel 1 exceeds the 7-acre minimum parcel size applicable to the Residential Rural portion of the site. Therefore, the project complies with the standard.*

**Section 22.54.020 - Site Access and Driveway Requirements.** No land use or construction permit shall be approved for any site unless the site has legal access and all-weather physical access to a public road; except that installation of all-weather physical access improvements may be provided prior to final building inspection, or prior to occupancy where allowed by Section 19.04.042 (Occupancy or use of an incomplete structure), where such improvements do not currently exist.

*Staff Comments: The project building envelope has legal access from Tassajara Creek Road and is conditioned to comply with this standard.*

#### ***Quimby Fees***

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

#### ***Inclusionary Housing Fees***

Title 29, the Affordable Housing Fund, establishes an in-lieu fee to create a fund that would help to meet, in part, the housing needs of the County's very low, low, moderate income and workforce households. Section 22.12.080 of Title 22, the Land Use Ordinance, describes the options the applicant may choose to satisfy the requirement.

*Design Standards*

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 Real Property Division Ordinance, as follows:

<b>Real Property Division Ordinance Compliance - 21.03.010 Factors</b>		<b>Complies/Needs Adjustment/NA</b>	<b>Comments</b>
<b>a.</b>	<b>Ordinance Compliance</b>		
<b>b.</b>	<b>Statutory Compliance</b>	Complies	
<b>c.</b>	<b>Parcel and Site Design</b>	Complies	
1	Encourages efficient use of land	Complies	
2	Side parcel lines perpendicular to ROW	Complies	Lines follow zoning categories
3	Lot dimensions: Min. 60' at front setback, 80' minimum depth; 3:1 max length to width ratio	Complies	
4	Double-frontage lots discouraged	N/A	
5	Optimal utility achieved: (i) efficient use of land; (ii) minimal cuts, fills, site disturbance; (iii) Will not hinder future use or use of adjacent lots; (iv) Maintain character and pattern of area	Complies	
6	Access by easement or direct street frontage, no flag lots	Complies	
7	Landscaping: Lots < 1 acre with community water: street trees are provided	N/A	
8	Building sites avoid visual impacts	Complies	
<b>d.</b>	<b>Access and Circulation Design</b>	Complies	
1	Street providing access is minimum 40-ft ROW for part-width, 50-ft ROW for full street; improvements per 21.05.020	Complies	
2	Provides for extension of existing street circulation	Complies	
3	Lot design allows for future widening /opening of streets to ultimate ROW	Complies	
4	Street centerlines continue existing centerlines or per standard specifications	Complies	
5	Street intersections at right angles	Complies	
6	Tracts provide street stubs to future subdivisions; turnarounds for stubs >600'	N/A	
7	Private easement to serve max of 5 lots - existing and potential future lots per GP	Complies	
8	Lots created with future subdivision potential are designed to provide for future primary/secondary streets.	N/A	

*Road Improvements*

This application was reviewed in detail by both Public Works and Planning and Building relative to access and circulation requirements for the area. This is in response to the potential for further divisions and development in the site vicinity. As a result of this review, both an offer of dedication and road improvements are recommended as a means of providing appropriate access and circulation for this area.

PLANNING AREA STANDARDS:

**Section 22.94.080 - Salinas River Sub-Area Standards.** All development and new land uses in the Salinas River Sub-Area, as shown on Figure 94-2, shall comply with the following standards, where applicable.

- A. Santa Lucia Mountains - Coordination of land divisions. Proposed discretionary permits and land divisions shall be referred by the County to the U.S. Forest Service for review and comment.
- C. Open space preservation. New land divisions should retain land in open space that will preserve oak woodlands, riparian and other important biological habitats, physical landmarks, prime agricultural, visual and historic areas.
- D. Salinas River resource protection. Within the Salinas River floodplain as defined by the Flood Hazard combining designation shown on the official maps in both rural and urban areas, discretionary permits and land divisions shall protect the habitats and resource integrity of the floodplain. Development shall be designed and located to protect the river as a water resource and to maintain the natural features and habitats within the floodplain.

*Staff Comments: The project was referred to the U.S. Forest Service, no comments were received. The tentative parcel map is creating one parcel and a remainder parcel, which will mostly remain vacant and open aside from the existing utility services and dirt roads. The entirety of the Parcel 1 is within the undetermined 100-year flood zone. The Tassajara Creek runs along the southern border of Parcel 1. However the building envelope is 90 feet north of the creek and any construction to occur will comply with ordinance flood standards. The proposed tentative parcel map is consistent with these Planning Area Standards.*

ADVISORY COUNCIL:

Santa Margarita Area Advisory Council – Referral sent in March of 2019 – No response received.

AGENCY REVIEW:

Public Works – Referral response dated January 31, 2020 (Ed Reading).  
Cal Fire – No response.  
Environmental Health – No response.  
HEAL SLO – No response.  
Stormwater – Referral response date March 18, 2019 (Anthony Schuetze).  
CA Fish and Wildlife – No response.  
U.S. Forest Service – No response.

LEGAL LOT STATUS:

Legal lot status was evaluated for the parent parcel (APN 070-093-018) and it was noted that a Certificate of Compliance was issued verifying legal lot status (C.C.O.R. 05-016431).

Staff report prepared by Katie Nall and reviewed by Terry Wahler.